

OPINIONS PER CURIAM, ETC., FROM MARCH 2, TO
MAY 3, 1903.

NO. 169. FRED T. HEGEMAN ET AL., ETC., PLAINTIFFS IN ERROR, v. JOHN H. SPRINGER, AS RECEIVER, ETC. Error to the United States Circuit Court of Appeals for the Second Circuit. Submitted February 24, 1903. Decided March 2, 1903. *Per Curiam*. Judgment affirmed with costs, on the authority of *Bleistein v. Donaldson Company*, 188 U. S. 239, decided at this term; *Robinson v. Belt*, 187 U. S. 50, and the case remanded to the Circuit Court of the United States for the Southern District of New York. *Mr. Edward Jacobs* for plaintiffs in error. *Mr. Chauncey S. Truax* for defendant in error.

NO. 179. GEORGE NESTER ET AL., PLAINTIFFS IN ERROR, v. FRANK E. CHURCH. Error to the Supreme Court of the State of Michigan. Argued February 27, 1903. Decided March 2, 1903. *Per Curiam*. Dismissed for the want of jurisdiction, on the authority of *Castillo v. McConnico*, 168 U. S. 674. *Mr. Timothy E. Tarsney* for plaintiffs in error. *Mr. Frank E. Robson* for defendant in error.

NO. 402. AMADA C. DE BACA ET AL., ADMINISTRATORS, ETC., APPELLANTS, v. UNITED STATES ET AL. Appeal from the Court of Claims. Submitted February 24, 1903. Decided March 2, 1903. Error being confessed by the appellees, judgment reversed, and cause remanded with directions to proceed therein according to law. *Mr. H. C. Burnett* for appellants. *The Attorney General* and *Mr. Assistant Attorney General Thompson* for appellees.

NO. 196. BANK OF COMMERCE, PLAINTIFF IN ERROR, v. CHARLES S. WILTSIE, PROSECUTING ATTORNEY. Error to the Supreme

Court of the State of Indiana. Argued March 10, 11, 1903. Decided March 16, 1903. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Erie Railroad Company v. Purdy*, 185 U. S. 148; *Mallett v. North Carolina*, 181 U. S. 592; *Mutual Life Insurance Company v. McGrew*, 188 U. S. 291; and cases cited. See 153 Indiana, 460-474. *Mr. Augustin Boice* for plaintiff in error. *Mr. Merrill Moores, Mr. W. L. Taylor* and *Mr. C. C. Hadley* for defendant in error.

NO. 197. HUNTER H. MOSS, JR., PROSECUTING ATTORNEY, ETC., ET AL., APPELLANTS, *v.* ELLIS GLENN. Appeal from the Circuit Court of the United States for the Northern District of West Virginia. Argued and submitted March 11, 1903. Decided March 16, 1903. *Per Curiam*. Final order reversed with costs, and cause remanded with directions to quash the writ of *habeas corpus* and dismiss the petition. *Baker v. Grice*, 169 U. S. 284; *Markuson v. Boucher*, 175 U. S. 184; *Minnesota v. Brundage*, 180 U. S. 499; *Dreyer v. Illinois*, 187 U. S. 71. *Mr. William N. Miller* and *Mr. Hunter H. Moss, Jr.*, for appellants. *Mr. C. C. Cole* for appellees.

NO. 208. PEOPLE OF THE STATE OF ILLINOIS ON THE RELATION OF GEORGE F. RAYBURN ET AL., PLAINTIFFS IN ERROR, *v.* HUGH A. BINNS ET AL. Error to the Supreme Court of the State of Illinois. Submitted March 12, 1903. Decided March 16, 1903. *Per Curiam*. Dismissed for the want of jurisdiction on the authority of *Castillo v. McConnico*, 168 U. S. 674; *Butler v. Gage*, 138 U. S. 52; *Erie Railroad Company v. Purdy*, 185 U. S. 148. See 192 Illinois, 68. *Mr. Edward D. Blinn* for plaintiffs in error. No appearance for defendants in error.

NO. 227. LILLIE WINSTON, PLAINTIFF IN ERROR, *v.* WALKER WINSTON. Error to the Supreme Court of the State of New York. Argued April 7, 1903. Decided April 13, 1903. *Per*

189 U. S.

Opinions Per Curiam, etc.

Curiam. Judgment affirmed with costs, on the authority of *Bell v. Bell*, 181 U. S. 175; *Streitwolf v. Streitwolf*, 181 U. S. 179; *Andrews v. Andrews*, 188 U. S. 14. *Mr. Eugene Sweeney* for plaintiff in error. *Mr. Daniel E. Lynch* for defendant in error.

No. 535. ALMOND A. WHITE, PLAINTIFF IN ERROR, *v.* SIDNEY L. WRIGHT ET AL. Error to the Supreme Court of the State of Minnesota. Motion to dismiss submitted April 6, 1903. Decided April 13, 1903. *Per Curiam.* Dismissed for the want of jurisdiction, on the authority of *Haseltine v. Bank*, 183 U. S. 130; *Insurance Company v. Kirchoff*, 160 U. S. 374; *Meagher v. Manufacturing Company*, 145 U. S. 611. *Mr. Orville Rinehart* for plaintiff in error. *Mr. Leon E. Lum* and *Mr. Jed L. Washburn* for defendants in error.

No. 242. FREDERICK D. SCHULTE ET AL., PLAINTIFFS IN ERROR, *v.* AUGUST HEMAN. Error to the Supreme Court of the State of Missouri. Argued and submitted April 16, 1903. Decided April 20, 1903. *Per Curiam.* Judgment affirmed with costs, on the authority of *Shumate v. Heman*, 181 U. S. 402; *French v. Barber Asphalt Paving Company*, 181 U. S. 324; *Chadwick v. Kelly*, 187 U. S. 540; *Fallbrook Irrigation District v. Bradley*, 164 U. S. 112. See *Heman v. Schulte*, 166 Missouri, 409. *Mr. William B. Thompson* for plaintiffs in error. *Mr. Hickman P. Rodgers* for defendant in error.

Nos. 249 and 250. UNITED STATES EX REL. HENRY D. PHILLIPS, PLAINTIFF IN ERROR, *v.* EUGENE F. WARE, COMMISSIONER OF PENSIONS; and Nos. 251 and 322. UNITED STATES EX REL. HENRY D. PHILLIPS, PLAINTIFF IN ERROR, *v.* ETHAN ALLEN HITCHCOCK, SECRETARY OF THE INTERIOR ET AL. Error to the Court of Appeals of the District of Columbia. Submitted April 16, 1903. Decided April 20, 1903. *Per Curiam.* Writs of error dis-

missed for the want of jurisdiction. Act of March 3, 1901, sec. 233, 31 Stat. 1189, c. 854; act of February 9, 1893, sec. 8, 27 Stat. 434, c. 74; act of March 3, 1885, 23 Stat. 443, c. 355; *Baltimore and Potomac Railroad Company v. Hopkins*, 130 U. S. 210; *United States v. Lynch*, 137 U. S. 280; *Cameron v. United States*, 146 U. S. 533; *South Carolina v. Seymour*, 153 U. S. 353. *Mr. Henry D. Phillips* and *Mr. E. R. Walker* for plaintiff in error. *Mr. Assistant Attorney General Campbell* and *Mr. F. L. Campbell* for defendants in error.

No. 357. *MARY J. LYON ET AL., PLAINTIFFS IN ERROR, v. MARGARET GOMBRET ET AL.* Error to the Supreme Court of the State of Nebraska. Motions to dismiss or affirm submitted April 6, 1903. Decided April 20, 1903. *Per Curiam*. Writ of error dismissed for the want of jurisdiction, on the authority of *Eustis v. Bolles*, 150 U. S. 361; *Pierce v. Somerset Railway*, 171 U. S. 648; *Gillis v. Stinchfield*, 159 U. S. 658; *Missouri Pacific Railway Company v. Fitzgerald*, 160 U. S. 556. See *Lyon v. Gombert*, 63 Nebraska, 630. *Mr. Lionel C. Burr* and *Mr. Charles L. Burr* for plaintiffs in error. *Mr. J. H. Broady* for defendants in error.

No. 237. *SECOND NATIONAL BANK OF RICHMOND, KENTUCKY, PLAINTIFF IN ERROR, v. C. N. FITZPATRICK ET AL.* Error to the Court of Appeals of the State of Kentucky. Argued April 15, 1903. Decided April 27, 1903. *Per Curiam*. Writ of error dismissed for the want of jurisdiction, on the authority of *Haseltine v. Central Bank*, 183 U. S. 130. *Mr. J. A. Sullivan* for plaintiff in error. No appearance for defendants in error.

No. 611. *NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, PLAINTIFF IN ERROR, v. PATRICK McKEON.* Error to the Court of Common Pleas of Fairfield County, Connecticut. Motions to dismiss or affirm, submitted April 20, 1903. Decided April 27, 1903. *Per Curiam*. Judgment affirmed with

189 U. S. Decisions on Petitions for Writs of Certiorari.

costs and interest, on the authority of *Wheeler v. New York etc. Railroad Company*, 178 U. S. 321; *New York and New England Railroad Company v. Bristol*, 151 U. S. 556; *Arrow-smith v. Harmoning*, 118 U. S. 194; *Little Rock etc. Railway Company v. Worthen*, 120 U. S. 97-102; *Davidson v. New Orleans*, 96 U. S. 97, 105. See 53 Atl. Rep. 656. *Mr. Arthur M. Marsh* for plaintiff in error. *Mr. Stiles Judson, Jr.*, for defendant in error.

Decisions on Petitions for Writs of Certiorari.

From March 2 to May 3, 1903.

No. 512. JOSEPH H. CHING, PETITIONER, *v.* UNITED STATES. March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit denied. *Mr. George E. Hamilton* and *Mr. Adrian Posey* for petitioner. *Mr. Solicitor General Richards* for respondent.

No. 573. EUFAULA COTTON OIL COMPANY ET AL., PETITIONERS, *v.* STILLWELL & BIERCE AND SMITH-VAILE COMPANY. March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit denied. *Mr. William Edgar Simonds* for petitioners. *Mr. E. E. Wood* for respondent.

No. 577. PHILIP S. WITHERSPOON, PETITIONER, *v.* FREDERICK P. OLCOTT. March 2, 1903. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit denied. *Mr. W. O. Davis* for petitioner. No appearance for respondent.

No. 592. WALTER N. DIMMICK, PETITIONER, *v.* UNITED STATES.